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TABLE OF CONTENTS

SEP 24 1977
ILLINOIS STATE
DOCUMENT DEPOSITORY

DEPARTMENT OF CHILDREN & FAMILY SERVICES

Proposed revisions to rules and regulations for the
central registry of child abuse and neglect reports 1

Page

AS OF THIS DATE THE ILLINOIS BULLETIN, PUBLISHED PURSUANT TO THE PROVISIONS OF THE ILLINOIS ADMINISTRATIVE PROCEDURE ACT, IS APPLICABLE ONLY TO THE FOLLOWING STATUTES AND DEPARTMENTS IN PART:

- (A) Department on Aging
 - 1. Illinois Act on the Aging
(Chapter 23, Paragraph 6105.02)
- (B) Department of Children and Family Services
 - 1. Act creating the Department of Children and Family Services
(Chapter 23, Paragraph 5004)
- (C) Dangerous Drug Commission
 - 1. "Dangerous Drug Abuse Act"
(Chapter 91½, Paragraph 120.13)
- (D) Department of Mental Health
 - 1. Mental Health Code of 1967
(Chapter 91½, Paragraph 12-10)
 - 2. An Act codifying the powers and duties of the Department of Mental Health and Developmental Disabilities
(Chapter 91½, Paragraph 100-5)
 - 3. Mentally deficient persons
(Chapter 91½, Paragraph 213)
 - 4. Community Mental Health Act
(Chapter 91½, Paragraph 308.1)
 - 5. Alcoholism and Intoxication Treatment Act
(Chapter 91½, Paragraph 510.01)
 - 6. Specialized Living Centers Act
(Chapter 91½, Paragraph 603.06)
- (E) Department of Public Health
 - 1. An act in relation to Public Health
(Chapter 111½, Paragraph 22)
 - 2. Prophylactic medicines to indigent rheumatic fever patients
(Chapter 111½, Paragraph 22.2)
 - 3. Prevention of certain communicable diseases
(Chapter 111½, Paragraph 22.13)
 - 4. Chronic renal diseases
(Chapter 111½, Paragraph 22.33.01)
 - 5. Anti-polio vaccine
(Chapter 111½, Paragraph 22b)
 - 6. Nursing homes, sheltered care homes and homes for the aged
(Chapter 111½, Paragraph 35.16b)
 - 7. Vital Records Act
(Chapter 111½, Paragraph 73-3.1)
 - 8. Registration of marriages, divorces and annulments
(Chapter 111½, Paragraph 73-53.1)
 - 9. Hospitals to render hospital emergency service
(Chapter 111½, Paragraph 86.6)
 - 10. Illinois Plumbing License Law
(Chapter 111½, Paragraph 116.62)
 - 11. Illinois Water Well Construction Code
(Chapter 111½, Paragraph 116.118)
 - 12. Illinois Water Well Pump Installation Code
(Chapter 111½, Paragraph 116.159)
 - 13. Private Sewage Disposal Licensing Act
(Chapter 111½, Paragraph 116.324)
 - 14. Control and supervision over public water supplies
(Chapter 111½, Paragraph 121h1)
 - 15. Impounding Dispositions of stray animals
(Chapter 111½, Paragraph 133.1)
 - 16. Hospital Licensing Act
(Chapter 111½, Paragraph 147.2)
 - 17. Ambulatory Surgical Treatment Center Act
(Chapter 111½, Paragraph 157-8.10a)
 - 18. Illinois Migrant Labor Camp Law
(Chapter 111½, Paragraph 185.13B)
 - 19. Radiation Protection Act
(Chapter 111½, Paragraph 218.15)
 - 20. Personal radiation monitoring service
(Chapter 111½, Paragraph 230.14)
 - 21. Uniform Hazardous Substances Act
(Chapter 111½, Paragraph 253b)
 - 22. Illinois Poison Prevention Packaging Act
(Chapter 111½, Paragraph 297)
 - 23. Youth Camp Act
(Chapter 111½, Paragraph 549.21a)
 - 24. Illinois Blood Bank Act
(Chapter 111½, Paragraph 608-108)
 - 25. Blood Labeling Act
(Chapter 111½, Paragraph 620-10)
 - 26. Illinois Clinical Laboratory Act
(Chapter 111½, Paragraph 628-108)
 - 27. Registration of laser systems
(Chapter 111½, Paragraph 709)
 - 28. Mobile Home and Mobile Home Park Act
(Chapter 111½, Paragraph 732.1)
 - 29. Recreational Area Licensing Act
(Chapter 111½, Paragraph 786.1)
 - 30. Regulation of mass gatherings
(Chapter 111½, Paragraph 911.1)
 - 31. Lead Poisoning Prevention Act
(Chapter 111½, Paragraph 1313.1)
 - 32. Prevention of Developmental Disabilities
(Chapter 111½, Paragraph 2113)
 - 33. Swimming Pool and Bathing Beach Act
(Chapter 111½, Paragraph 1224.1)
 - 34. Structural Pest Control Act
(Chapter 111½, Paragraph 2223.1)
 - 35. Bulk Milk Tank Operators Licensing Act
(Chapter 111½, Paragraph 239.04-4)
 - 36. Illinois Food Drug and Cosmetic Act
(Chapter 111½, Paragraph 522.1)
 - 37. Prevent the preparation, manufacture, packing, storing or distribution of food intended for sale, or the sale of food under insanitary, unhealthful or unclean conditions
(Chapter 56½, Paragraph 77.1)
 - 38. Distribution of pasteurized milk and pasteurized milk products
(Chapter 56½, Paragraph 130.1)
 - 39. Grade A Milk and Grade A Milk Products
(Chapter 56½, Paragraph 217.1)
- (F) Board of Vocational Rehabilitation
 - 1. Vocational Rehabilitation of Disabled Persons
(Chapter 23, Paragraph 3434a)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Department of Children and Family Services proposes to adopt the attached Regulation, "Central Registry of Child Abuse and Neglect Reports," and hereby submits it to you under the procedures for the Illinois Administrative Procedures Act.

The purpose of said regulation is to control the entry and retention of data in the Department's abuse and neglect registry, as well as to control access to certain classes of persons.

Interested persons may comment by submitting their views in writing to me no later than 30 days after the publication of the Regulation in the Illinois Bulletin. The Department will consider all comments before filing the regulation in final form.

Regulation on the

Central Registry of Child Abuse and Neglect Reports

Pursuant to the Abused and Neglected Child Reporting Act, the Department of Children and Family Services shall maintain a statewide central registry for reports of suspected child abuse and neglect made pursuant to that Act. The central registry shall contain, but shall not be limited to, all information contained in the oral and written reports; findings and disposition made by local offices of the Department in response to such reports; the names, identifying data and dates of any persons requesting or receiving information from the central registry; and any other information which might be helpful in furthering the purposes of the Act.

The central registry may be utilized to identify prior reports of suspected or known child abuse or neglect involving the same child or the same family; to monitor compliance with the Act and the policies, procedures and activities implementing the Act; and to develop and utilize statistical and other materials for research, interpretation, management, and support of programs and services.

1. All initial reports, either oral or written, of suspected child abuse or neglect made to any local office of the Department shall be forwarded to the central registry forthwith on or with forms provided for that purpose. Upon completion of the investigation the local office which received and/or acted upon a report shall make a follow-up report on forms provided for that purpose to be entered in the central registry.
2. All initial reports of suspected child abuse or neglect received in central registry shall be classified as "under investigation." Upon receipt of a follow-up report from the local office of the Department, the "under investigation" report shall be modified to reflect the completion and findings of the investigation. Unless the investigator determined that there was some credible evidence of alleged abuse and/or neglect, the report shall be expunged of all identifying information. In such cases, non-identifying data may be maintained by the Department.

3. When the child who is a subject of a report reaches the age of 22 years, the record shall be removed from the central registry and shall be classified as "closed" and sealed. Access to a closed record shall be permitted upon request of authorized personnel as identified in Section 4 of this regulation, only if it is suspected that a sibling or offspring of the child is reported as a suspected victim of child abuse or neglect. All closed records shall be automatically expunged ten years from the date the record was closed.
4. Information contained in the central registry shall not be disclosed to any person, official, or agency unless for the express purposes of the Act, and only as provided by this regulation. Such information shall be disclosed upon verification of the identity of the person requesting or receiving the information:
 - a. Any appropriate employee of the central and local offices of the Department
 - b. Any person who is subject of a report, and if such person is a child, the child, the child's parent, guardian of the person, or legal custodian, and as set forth in Sec. 7 of this regulation.
 - c. Another state's department legally responsible for the administration or supervision of child protective services in that state.
 - d. A court, or individual authorized by court order, upon its finding and order that access to the central registry may be necessary for determination of an issue before such court, but such access shall be limited to an in-camera inspection, unless the court shall further find that disclosure of such information contained therein is necessary for the resolution of an issue then pending before it.
5. Information contained in the central registry, except that which would disclose the specific identity of a subject of a report, may be made only by the action of the Director or Director's designee to the following:
 - a. Any person engaged in bona fide research for a legitimate purpose with the concurrence of the Department and upon adequate assurance of suitable provisions to monitor the confidentiality of the data.
 - b. Any appropriate state or local official responsible for administration, supervision, or legislation in relation to child abuse and neglect when carrying out his or her official functions.
 - c. Any other person, commission or agency that the Director may allow upon good cause shown.
6. At any time subsequent to completion of the investigation, the Department may amend or remove from the central registry any record upon good cause shown and upon notice to subjects of the report.
7. At any time a subject of a report may receive, upon written request, a copy of all information contained in the central registry that pertains to that subject, provided, however, that the Director or Director's designee is authorized to prohibit the release of any data that would identify the person who made the initial report or any person who cooperated in a subsequent investigation.

8. At any time after completion of the investigation, but no later than 90 days after such completion or such notification, whichever is later, a subject of a report may request the Director to amend or expunge the record. If the Director refuses or takes no action within 30 days after such request, a subject shall have a right to a fair hearing. The only basis for such action shall be that there is no credible evidence that the child is abused or neglected, the report was inaccurate or that information was being maintained in a manner inconsistent with the Act or this regulation. In any hearing initiated by a subject of a report, the burden of proof in such hearing shall be upon the Department. However, in any case in which the Juvenile Court or criminal court has found that there was child abuse or neglect, this shall be prima facie evidence that the report is founded. Hearings may be continued if there is pending a Juvenile Court action until after completion of that action.
9. If the Department on its own motion or subsequent to a hearing does not amend or expunge the central registry, or at any other time, a subject of a report may place in the registry files a denial or explanation of the events and circumstances contained therein. Such denial or explanation shall be included with every release of registry information subsequently made, and upon request, to every person previously receiving such information.
10. Nothing in this regulation shall apply to the preparation, publication or release of statistical data or reports which do not in any way identify, directly or indirectly, any individuals who are subjects of reports in the central registry.
11. Except as provided herein, access to all client records shall be governed by current and future department regulations and procedures on safeguarding personal information.

